

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	CC Docket No. 98-67
Speech-to-Speech Services for Individuals	)	CG Docket No. 03-123
with Hearing and Speech Disabilities	)	

**AT&T COMMENTS ON VIDEO RELAY SERVICE  
SPEED OF ANSWER REQUIREMENT**

Pursuant to the Commission's February 8, 2005 *Public Notice* (DA 05-339),<sup>1</sup> AT&T Corp. ("AT&T") submits these further comments on the speed of answer requirement for Video Relay Service ("VRS").

In its March, 2000 *Improved TRS Order*,<sup>2</sup> the Commission authorized carriers to offer VRS as a non-mandatory telecommunication relay service ("TRS") offering and to recover VRS costs from the Interstate TRS Fund. Subsequently the Commission granted (and later extended) a waiver of certain mandatory minimum TRS requirements in connection with VRS, including Section 64.602(b)(2) of the Commission's rules (47 C.F.R. § 64.604(b)(2)) that requires 85 percent of relay calls be answered within 10 seconds in a manner that results in a call being placed, rather than put

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<sup>1</sup> Public Notice, "Federal Communications Commission Seeks Additional Comment on the Speed of Answer Requirement for Video Relay Service (VRS)." DA 05-339 (rel. Feb. 8, 2005) ("*Public Notice*").

<sup>2</sup> *Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No 98-67, 15 FCC Rcd 5140, 5152 (2000) ("*Improved TRS Order*").

callers in queue or on hold.<sup>3</sup> The Commission in 2004 also initiated a further rulemaking seeking comment, *inter alia*, on the VRS speed of answer requirement.<sup>4</sup> In the *Public Notice* the Commission has requested additional comments on whether a speed of answer rule should be adopted for VRS, as well as on specific issues bearing on the adoption and implementation of such a requirement.

As with other forms of TRS, AT&T supports Commission adoption of a speed of answer requirement for providers of VRS offerings to assure satisfactory service to customers. AT&T also recognizes that the Commission has applied its relay service quality and performance criteria to VRS in a manner that will encourage, and not deter, the availability of that service to customers and create proper incentives for technological innovation by providers.<sup>5</sup> As AT&T demonstrates below, the Commission should implement the speed of answer requirement for VRS in a flexible manner in keeping with these overarching policy objectives.

Thus, AT&T supports an initial minimum VRS speed of answer requirement that 85 percent of such calls be answered within 30 seconds, measured

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<sup>3</sup> See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-56, DA 01-3029, 17 FCC Rcd 157 (2001) (“*VRS Waiver Order*”) ¶¶ 15-16 (waiving speed of answer rule for VRS until December 31, 2003); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, DA 03-4029 (rel. Dec. 19, 2003) (extending certain waivers for VRS, including speed of answer, until June 30, 2004); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, CC Dockets 90-571 and 98-67 and CG Docket 03-123, FCC 04-137, 19 FCC Rcd 12475 (2004) (“*2004 TRS Report & Order*”) ¶¶ 119-123 (waiving speed of answer rule for VRS until January 1, 2006, or such time as the Commission adopts a speed of answer rule for VRS, whichever is earlier).

<sup>4</sup> See *2004 TRS Report and Order*, ¶ 246.

<sup>5</sup> See, e.g., *VRS Waiver Order*, ¶ 8.

initially on a monthly basis.<sup>6</sup> At this juncture, some VRS providers still need to recruit and train sufficient video interpreters to meet such an answer requirement (although AT&T's own VRS contractor has generally already achieved that objective.)<sup>7</sup> Measuring compliance with the speed of answer requirement initially on a monthly basis will further allow VRS providers to gain experience with the staffing levels required for their centers to meet that criterion. After one year, however, sufficient experience should have been gained by all providers to further upgrade the measurement standard to a daily requirement.<sup>8</sup>

The starting point of a VRS call for purposes of determining compliance with the speed of answer requirement should follow the measurement procedure that is already in use for Internet Protocol ("IP Relay") calls, which like VRS make use of the Internet to provide service.<sup>9</sup> Thus, the start of a VRS call should be the point at which the VRS provider receives the connection and performs a "hand shake" with the video

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<sup>6</sup> See *Public Notice*, Questions No. 1 and 6.

<sup>7</sup> See *Hands on Video Relay Services, Inc. ("HOVRS") Comments in Response to Speed of Answer Inquiry*, filed Feb. 25, 2005 in CC Docket No. 03-123.

<sup>8</sup> Similarly, to assure that VRS providers can recruit and train necessary personnel, as well as to develop and submit new cost information to the Interstate TRS Fund Administrator, the speed of answer requirement obligations described above should be made effective six months from the date the Commission gives public notice of the adoption of these standards. See *Public Notice*, Question No. 2 (requesting comment on effective date). The six month interval described above also mirrors the period between the time when VRS providers submit costs to the Fund Administrator and the time that the revised VRS payment rate based on those cost data is made effective.

<sup>9</sup> See *Public Notice*, Question No. 3. See also *Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling and Second Further Notice of Proposed Rule Making, CC Docket 98-67, FCC 02-121, 17 FCC Rcd 7779 (2002) (*IP Declaratory Ruling*) ¶ 29 (also generally addressing speed of answer and IP Relay).

software used by the caller.<sup>10</sup> The end point for the call, for purposes of measuring speed of answer, should be the moment that a live video interpreter is connected to that call.

The Commission's treatment of abandoned calls and "call backs" for purposes of measuring VRS speed of answer should also parallel the procedures applied to IP Relay calls. Abandoned calls are included in the IP Relay calculation, because otherwise customers may be subjected to the risk of having their calls answered by the provider's center but then not answered for a prolonged period prior to the customer's hanging up.<sup>11</sup> Neither traditional TRS nor IP Relay normally accept call backs, in which the customer, rather than wait for an available attendant, instead elects to have the provider call back when an attendant becomes available. Especially with the adoption of a VRS speed of answer requirement, there is no basis for the Commission either to require that VRS providers accept such arrangements, or to include such calls in the computation of the provider's performance.

Finally, VRS providers should be required to compile and file reports with call data reflecting their compliance with a speed of answer requirement.<sup>12</sup> Rather than submitting such reports directly to the Commission, as implied in the *Public Notice*, VRS providers should in the first instance be required to lodge those filings with the TRS Fund Administrator on a monthly basis when submitting claims for reimbursement. The Administrator (or the Commission, which will have access to those filings) may analyze

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<sup>10</sup> Measurement from the point the call arrives at the VRS provider's server is inappropriate because there may be a delay in synchronizing the incoming call, even though a video interpreter is available to process the call. See HOVRS Comments, *supra*.

<sup>11</sup> See *Public Notice*, Question No. 4. See also 47 C.F.R. § 64.604(b)(2)(ii)(B); *Improved TRS Order* at ¶¶ 59 n.117 & 64 (addressing abandoned calls and explaining that such calls are those calls answered by a relay center, but never handled by a CA because the customer hangs up).

<sup>12</sup> See *Public Notice*, Question No. 7.

those data to monitor VRS providers' performance and to make modifications in VRS performance standards as may be appropriate

Respectfully submitted,

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